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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,771	09/17/2003	Stephen Kaminski	Q77159	2952
72875 7590 01/16/2009 SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037				
EXAMINER RUSSELL, WANDA Z				
ART UNIT		PAPER NUMBER		
2416				
NOTIFICATION DATE		DELIVERY MODE		
01/16/2009		ELECTRONIC		

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DETAILED ACTION

Response to Amendment

1. Applicant's amendment, filed December 18, 2008 has been received.

Response to Arguments

2. Applicant's arguments, filed December 18, 2008 have been fully considered but they are not persuasive.
3. Applicant argues that in rejecting claim 1, Chuah does not teach or suggest load balancing among Node Bs, and thus, this reference cannot teach the claimed fourth element for providing data indicative of a load situation of a logical cell.

In response, the Examiner respectfully disagrees.

- 3.1 First of all, as the Examiner pointed out in the last Office Action, Applicant only claims load-balancing in claim 4, not in claim 1 (see Final Rejection, P. 15, last paragraph of Section 8).
- 3.2 Second, the paragraph [0030] cited is related to Fig. 5 of Chuah. It is clear that with Fig. 5, the paragraph [0030] cited is valid for load balancing among Node Bs.
- 3.3 Third, the paragraph [0027] cited by Applicant is related to Fig. 4, and the figure description paragraphs [0016] and [0017] for Fig. 4 and 5 respectively clearly show that the Fig. 4 only shows a portion of the invention.
4. Applicant argues that with regard to claims 11-13, there is no evidence in the disclosure of Chuah that the RNC does not control hand over between the Node Bs.

In response, the Examiner respectfully disagrees.

Since the para. [0024] describes only logical connection, not physical connection, it can not be interpreted as there in control of the physical connection. In addition, in paragraphs [0019], last 3 lines, Chuah teaches the connection network 86 in Fig. 3 can be implemented in different ways. Along with lines 1-end of [0019], it can be seen that no controlling hand over between the Node Bs is just a matter of "design choice".

5. Applicant argues that for Claim 14 and 18 Chuah does not teach direct connection between the interface and an RNC, and this direct connection corresponds to the claimed first connection.

In response, the Examiner respectfully disagrees.

Comparing this Fig. 1 with the Fig. 1 of Bichot, it is concluded that the interface is located in 20b. Therefore there is a direct connection between the interface and an RNC, shown in Fig. 1 of Chuah.

/Wanda Z Russell/
Examiner, Art Unit 2416